



20 June 2022

Federal Aviation Administration  
U.S. Department of Transportation  
Docket Operations  
West Building Ground Floor, Room W12-140  
1200 New Jersey Avenue, SE  
Washington, D.C. 20590

**Re:** Petition for Exemption from the FAA's Pilot Record Database June 10, 2022 Interim Compliance Deadline

In accordance with part 11 of the Code of Federal Regulations (CFR), Executive Jet Management, Inc. (EJM) respectfully submits this Petition for Exemption (Petition) from 14 CFR § 111.215(a) to afford EJM the same relief granted by the Federal Aviation Administration (FAA) in Exemption No. 19135 (Docket No. FAA-2022-0632). The conditions and circumstances with respect to the public interest and safety that provided justification for the partial grant of Exemption No. 19135 apply equally to EJM.

## **Introduction**

On June 3, 2022, in response to a petition filed by Airlines for America (A4A) on behalf of its member carriers, the FAA issued a partial grant of exemption from an interim compliance deadline of the Pilot Records Database (PRD) reporting requirement until the FAA implements electronic transfer for transmission of pilot records to the PRD.<sup>1</sup> Specifically, the FAA granted A4A members an exemption from 14 CFR § 111.215(a), which requires entities subject to PRD reporting requirements to begin reporting records created on or after June 10, 2022, within 30 days of the effective date of the record. The exemption granted temporary relief in the form of an extension so that records created from June 10, 2022 through January 10, 2023 must now be reported to the PRD by June 12, 2023.

EJM hereby respectfully requests that the FAA grant the same relief to EJM with respect to 14 CFR § 111.215(a) that the FAA granted to A4A's member carriers. Like A4A's member carriers, EJM is a Part 119 certificate holder and holds operations specification A025 for electronic training records and conducts operations under Parts 91 and 135. The analysis provided by the FAA in its partial grant of exemption to A4A's members applies fully and equally to EJM because EJM is similarly situated to the A4A member carriers with respect to the use of electronic recordkeeping systems and PRD reporting. Until the PRD data entry processes are finalized, EJM will continue to maintain pilot records and will transfer them once the PRD has an automated utility for electronic transmission.

In the interest of safety, EJM fully supports the creation of an FAA database in which the employment history, training, qualifications, and drug and alcohol records of pilots and pilot-candidates is collected and shared with appropriate receiving entities. Currently, EJM satisfies the processes

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<sup>1</sup> EJM hereby adopts by reference the rationale set forth in A4A's petition for exemption, dated May 9, 2022, in Docket No. FAA-2022-0632.



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established under the Pilot Records Improvement Act (PRIA). EJM agrees that the PRD will be an important enhancement to the current hiring processes under PRIA. When operating as designed, the PRD should modernize pilot record sharing and lessen dependence on responses from prior employers, streamline pilot records collection, reinforce the accuracy of a pilot-candidate's background, and provide carriers with the most up-to-date qualifications of a pilot-candidate.

### **Granting The Exemption Is In The Public Interest.**

While the PRD will ultimately prove to be a significant improvement to the current PRIA process, a grant of this requested exemption is in the public interest because the FAA is still developing a technological infrastructure to automate the secure and accurate transfer of PRD data—allowing carriers to submit thousands of pilot record entries accurately and efficiently into the PRD. The rationale provided by the FAA in granting the partial exemption to A4A's member carriers also applies to EJM. EJM currently employs between 600 and 700 pilots, is actively recruiting and hiring pilots and, relatedly, has estimated monthly PRD reporting requirements in the hundreds of records.

Accordingly, the proposed manual entry deadline of June 10, 2022 risks failing to achieve its purpose because requiring EJM to manually enter up to hundreds of records per month will lead to delays in inputting data. These delays will require the continued collection of records from previous employers, eliminating the intended comprehensiveness and efficiency of the PRD. Further, the manual entry of hundreds of records will substantially increase the chances of clerical error, undermining the goal of providing a complete and accurate database and potentially causing a negative safety impact. Moreover, as the FAA recognized with respect to the A4A member carriers, EJM will undergo significant hardship to manually enter the electronic records into the PRD. If EJM is required to adhere to manual interim reporting, EJM will be required, in order to do so in the safest and most accurate manner possible, to hire and train additional employees necessary to address the scope of the PRD using a manual process. This proposition will present challenges and undue burdens to EJM during a time when the labor market is tight and hiring and staffing remains a challenge throughout the industry.

In summary, EJM believes that, if the FAA compels EJM to adhere to manual interim reporting, the PRD's implementation will be contrary to public interest and impose a substantial and undue burden. If the FAA were to extend the interim deadline for EJM to coincide with the availability of an electronic submission method (in the same manner it has already done for other carriers), then the PRD will ultimately reflect the intended accuracy and comprehensiveness of pilot records.

### **Granting the Exemption Will Not Adversely Affect Safety.**

Similar to the position taken by A4A, EJM believes that, while manual PRD entry is unsustainable contrary to the public interest, and risks negative safety impacts, continued records exchange in compliance with PRIA is a viable and safer alternative to manual entry. As detailed above, granting EJM's request for a temporary exemption from the June 10, 2022 interim compliance date would not adversely affect safety because EJM will maintain and house pilot records in compliance with the final rule, continue to provide all pilot information to other operators upon request pursuant to PRIA, and avoid risk of inaccurate manual PRD data entries. Once the PRD technological infrastructure is available to securely transfer and house data, EJM will be fully ready and able to implement the electronic transmission of PRD data.



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## Conclusion.

For the same reasons that lead the FAA to issue Exemption No. 19135, EJM respectfully requests that the FAA grant the same relief here. In the absence of the electronic transfer utility interface, the volume of records generated on a daily/monthly basis would cause substantial burdens and significant hardship on EJM to begin reporting records within 30 days of the record's effective date, for records created on or after June 10, 2022. Holding EJM to this deadline would be contrary to the public interest, while granting EJM the same relief afforded to the other carriers would support the public interest and have no adverse impact on safety. Accordingly, EJM respectfully requests that the FAA grant EJM an exemption from 14 CFR § 111.215(a) by giving it temporary relief in the form of an extension so that records created from June 10, 2022 through January 10, 2023 must be reported to the PRD by June 12, 2023.

### **A Summary Of This Petition That The FAA Could Publish In The Federal Register.**

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Affected Regulation: 14 CFR § 111.215(a)

Summary of Relief Sought: EJM petitions for limited relief from 14 CFR § 111.215(a) due to the PRD's lack of an electronic transmission method for pilot records—an option included in the PRD Final Rules. EJM fully supports the PRD and its creation of an FAA database in which the employment history, training, qualifications, and drug and alcohol records of pilots and pilot-candidates is collected and shared with appropriate receiving entities. However, an electronic transmission option is the most accurate method to transfer pilot records to the PRD. Manual transmission of records to the PRD increases the risk or error and frustrates the purpose of PRD to increase accuracy of records and aviation safety. Accordingly, EJM requests that the FAA grant EJM an exemption from 14 CFR § 111.215(a) by giving it temporary relief in the form of an extension so that records created from June 10, 2022 through January 10, 2023 must be reported to the PRD by June 12, 2023.

Respectfully submitted,

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